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EXAMINER
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 17

Application Number: 09/610,081
Filing Date: 07/05/2000
Appellant(s): Sherry A. Cook et al.

Geoffrey L. Oberhaus
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 11/5/2002.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-4, 6-8, 11; claim 9; claims 12, 13, 15, 16; claims 18-22; claims 10, 14, and claim 17 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

4,751,583	Levine	6-1988
5,963,939	McCann et al.	10-1999
5,796,428	Matsumoto et al.	08-1998

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-4, 6-9, 11-13, 15-16, 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Levine (U.S. Patent # 4751583).

Regarding claim 1: Levine teaches a stand-alone printing apparatus (22 physically connected to 12, fig. 2, column 2, lines 58-60, column 1, lines 24-30) for transferring one or more digital photographs (column 4, lines 29-40, 45-55) captured by a digital device (camera, column 3, lines 64) to a printable medium, (column 7, line 9) the printing apparatus comprising: an input member (memory 58, column 6, line 61) for receiving the one or more digital photographs from a source; (portable supplemental memory, column 6, lines 1-20); an image processor (processor previewer, 12, column 6, line 10) for generating an image corresponding to each digital photograph; (column 6, lines 35-69, column 3, lines 55-62) an integrated graphical user interface (previewer, column 6, lines 25-30, integrated to the printing apparatus through connector 63, column 6, line 15-20, fig. 3) with a video display (column 6, line 29) for displaying the images (column 6, lines 28-35) and for selecting one or more of the digital photographs (column 6, lines 58-65) for a printed page; (the combined images to form a hard copy, column 7, lines 1-10), at least one drive (the connector 51, fig. 3, and the circuitry that is used to retrieved images from a memory, column 6, lines 1-20) for receiving a computer readable medium, (memory 35, column 6, line 4), wherein the source is a computer readable medium disposed in the drive (the portable memory 35 that is plugged in with the connector 51, column 6, lines 1-20); and a print control

(printer 22, controlling the producing of a hard copy, column 7, line 5-10)for producing on the printable medium a pattern associated with the printed page.

Regarding claim 2: Levine teaches wherein the image processor formats (see the format of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10) the images in response to user instructions (column 6, lines 24-42, column 6, lines 57-68) from the user interface, and the user interface updates the video display to reflect the formatted images.

Regarding claim 3: Levine teaches wherein the user interface further comprises an operator panel (keyboard, fig. 1, fig. 3) having a plurality of activating members for initiating instructions to the user interface, and wherein the video display (13, fig. 1, fig. 3) is located on the operator panel.

Regarding claim 4: Levine teaches wherein the video display is a color liquid-crystal display. (Column 6, line 29)

Regarding claim 6: Levine teaches wherein the user interface further comprises a plurality of different states, (see the state of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10) and wherein the video display varies between the different states (column 6, lines 24-42, column 6, lines 57-68).

Regarding claim 7: Levine teaches wherein the different states comprise an image view in which an image is depicted on said display, and a page view in which a page is depicted on the

display. (see the state of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10)

Regarding claim 8: Levine teaches wherein the page comprises one or more digital photographs selected during said image view (column 6, lines 25-30)

Regarding claim 9: Levine teaches wherein activation of the print button (the button on the keyboard used to select printing, column 7, lines 1-10) in the image view instructs the print control to produce a pattern on the printable medium corresponding to an image on said video display.

Regarding claim 11: Levine teaches wherein the user interface further comprises a set of options associated with each of said different states, and wherein the options associated with a particular state may be displayed and selected while the particular state is active on the video display. (see the option of selecting the state of image view, column 6, lines 25-30, or the state of page view after combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10)

Regarding claim 12: Levine teaches graphical user interface (previewer, column 6, lines 25-30) for a stand-alone photoprinter (22 physically connected to 12, fig. 2, column 2, lines 58-60, column 1, lines 24-30) capable of transferring a digital photograph (column 4, lines 29-40, 45-55) from a source (memory, column 6, line 61) to a printable medium, (column 7, line 9) the user interface comprising: a video display (13, fig. 3) integrated (previewer, column 6, lines 25-30, integrated to the printing apparatus through connector 63, column 6, line 15-20, fig. 3) within the

photoprinter for graphically depicting an image corresponding to the digital photograph; (column 6, lines 25-69) a plurality of activating members (keyboard/mouse, column 6, lines 30-35) for initiating user instructions to the user interface; and a plurality of different states (see the state of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10) in which to depict information on the video display, one of the states being active at a time, the user interface moving between active states in response to activation of one or more of the activating members (column 6, lines 24-42, column 6, lines 57-68).

Regarding claim 13: Levine teaches wherein said different states (see the state of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10) comprise an image view in which an image corresponding to a digital photograph is depicted on said video display, and a page view in which a page comprising selected images is depicted on the video display.

Regarding claim 15: Levine teaches wherein the user interface further comprises formatting options (see the option of formatting of image view, column 6, lines 25-30, or formatting of page view after combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10) for formatting the digital photograph, and wherein the user interface formats the digital photograph in response to user instructions and updates the image on the video display with a formatted image (Column 6, lines 24-40, column 6, lines 57-69, column 7, lines 1-10).

Regarding claim 16: Levine teaches wherein the page view comprises digital photographs selected in the image view (column 6, lines 58-69)

Regarding claim 18: Levine teaches a method for previewing (column 6, line 10) and printing (column 7, line 9) digital photographs (column 4, lines 29-40, 45-55) on a stand-alone photoprinter (22 physically connected to 12, fig. 1, column 2, lines 58-60, column 1, lines 24-30) comprising the steps of: receiving the digital photographs from a digital photograph source, (portable supplemental memory 35, column 6, lines 1-20) wherein the digital photograph source is a computer readable medium disposed in a drive (the connector 51, fig. 3, and the circuitry that are used to retrieved images from a memory, column 6, lines 1-20, and the portable memory 35 that is plug in with the connector 51, column 6, lines 1-20) integrated with the photoprinter (22 physically connected to 12, fig. 1, column 2, lines 58-60, column 1, lines 24-30); generating an image for each of said digital photographs (column 6, lines 24-35) in an image processor; (column 6, lines 10-11); providing a user interface (36, 13, 14, fig. 3) having a video display (13, fig. 3) integrated (previewer, column 6, lines 25-30, integrated to the printing apparatus through connector 63, column 6, line 15-20, fig. 3) within the photoprinter; activating an image view in the user interface to display the images on the video display; (column 6, lines 24-40) selecting from amongst the displayed images to form a printed page; (column 6, lines 58-69, column 7, lines 1-10) activating a page view (column 6, lines 65-69) in the user interface to preview the printed page on the video display; and instructing a print control (printer 22, controlling the

producing of a hard copy, column 7, line 5-10) in the photoprinter to produce a pattern associated with the printed page on a print medium.

Regarding claim 19: Levine teaches the steps of formatting an image in response to user instructions to the user interface, and updating the display in image view to depict the formatted image (see the format of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10).

Regarding claim 20: Levine teaches the steps of formatting a printed page in response to user instructions to the user interface, and updating the preview of the printed page in the page view to depict the formatted printed page (see the format of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10).

Regarding claim 21: Levine teaches the steps of moving between the image view and the page view using one or more activating members of the user interface (see the format of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, by a user, column 6, lines 58-69, column 7, lines 1-10)

Regarding claim 22: Levine teaches a step of instructing the print control (printer 22, controlling the producing of a hard copy, column 7, line 5-10) to produce a pattern associate with an image displayed in the image view (column 6, 53-58) in response to activation of an activating member on the user interface. (Keyboard, column 6, lines 20-41)

2. Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine as applied to claims 7, and 13 above, and further in view of McCann et al. (U.S. Patent # 5963939).

Regarding claims 10, and 14: Levine does not teach wherein the different states further comprise a device view in which a graphical representation of said photoprinter and any attached devices is depicted on the video display.

McCann et al., in the same area of displaying images, teaches a display would be used in a state of viewing devices in which a graphical representation (fig. 50) of a printer (722, fig. 50) and any attached devices (718, fig. 50) are depicted on the video display. (Fig. 50)

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Levine to include in the different state of display: a device view in which a graphical representation of said photoprinter and any attached devices is depicted on the video display.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Levine by the teaching of McCann et al. because of the following reasons: (a) it would have provided a tool for selecting appropriate solution of equipment and product for a user while using the printer system, as taught by McCann et al, at column 3, lines 1-5 (b) it would have allowed a user to quickly identify what devices are available for the user to use in the system, and (c)it would have allowed users to have an overview of the

system and would have provided useful system information to assist a user in selecting system options available to the user.

3. Claims 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Levine as applied to claim 16 and above, and further in view of Matsumoto et al. (U.S. Patent # 5796428)

Regarding claim 17: Levine teaches wherein the active state (the state that the display is displaying) varies between the image view and the page view by activating one of the activating members (see the format of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10 are activated by users using a keyboard (activating member)).

Levine does not teach wherein the image view and the page view are shown simultaneously on the video display.

Matsumoto et al., in the same area of selecting photographic images stored in a memory to be displayed, (abstract, column 10, lines 50-60) teaches to display image view (2501, fig. 25) and the page view (page 1, fig. 25) simultaneously on a video display. (Fig. 25, column 12, lines 50-54)

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Levine to include: displaying the image view and the page view simultaneously on the video display.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Levine by the teaching of Matsumoto et al. because of the following reasons: (a) it would have allowed the user to view both the images and the combined image together and would have allowed the user to compare the page view and the image view better by displaying both the page view and image view simultaneously, and (b) it would help a user to easily re-arranging and keeping pictures, as taught by Matsumoto et al., at column 1, lines 40-62

(11) Response to Argument

Appellant, on page 9, 11, 19, brief, argues that Levine fails to teach or disclose a printing apparatus that is both capable of printing digital files independent of an external host and has an integrated graphical user interface for selecting one or more digital photographs for a printed page.

In response: Column 7, lines 25-27, of the present application defines "stand-alone" means that the printer is capable of processing and printing digital files independent of an external host device such as a computer.

Levine teaches a stand-alone printing apparatus (module 22 (copier-printer unit) connected to module 12, (previewer) fig. 2, column 2 lines 45-60; apparatus for printing, column 1, lines 24-30) comprising: an integrated graphical user interface (previewer, column 6, lines 25-30, integrated to the printing apparatus through connector 63, column 6, line 15-20, fig. 3) with a video display (column 6, line 29) for displaying the images (column 6, lines 28-35) and for

selecting one or more of the digital photographs (column 6, lines 58-65) for a printed page; (the combined images to form a hard copy, column 7, lines 1-10).

Particularly, column 6, lines 10-68, and column 7, lines 1-10, Levine, teaches that the printing apparatus, that is made up of the processor-preview unit connected to the copier printer unit, can print digital files (electronic pixel images stored in a memory, column 6, lines 20-25, column 4, lines 15-25) without an external host computer.

Since the connected copier-printer unit and the processor-preview unit (printing apparatus) would process/print digital files independent of an external host device, the connected copier-printer unit and the processor-preview unit forms a stand-alone printing apparatus.

Appellant, on page 10, brief, argues that the image previewer-processor of Levine is a computer.

In response: The previewer-processor is (column 3, lines 25-30) a user interface integrated/connected with the printing apparatus, (See previous discussion) which allows users to set processing conditions for processing images (Column 6, lines 25-40). The previewer-processor is part of the printing apparatus and is not an external computer of the printing apparatus.

Appellant, on page 12, brief, argues that using both Levine's copier-printer and computer inherently contrast with the definition of a stand alone.

In response: "Stand-alone printer" is a printing apparatus that is capable of printing digital files independent of an external host.

Column 6, lines 10-68, and column 7, lines 1-10, Levine, teaches that the printing apparatus, that is made up of the processor-preview unit connected to the copier printer unit, can print digital files (electronic pixel images stored in a memory, column 6, lines 20-25, column 4, lines 15-25) without an external host computer.

Since the connected copier-printer unit and the processor-preview unit (printing apparatus) would process/print digital files independent of an external host device, the connected copier-printer unit and the processor-preview unit forms a stand-alone printing apparatus.

Appellant, on page 12, brief, argues that the image processing, in Levine, is to be performed in remote locations.

In response: Column 3, lines 50-65, Levine, teaches image processing and previewing would be performed when the previewer-processor is connected to the copier-printer.

Appellant, on page 9, 13, 22, brief, argues that Levine does not teach a GUI for a stand-alone photoprinter that includes a plurality of different states in which to depict information on a video display integrated within the photoprinter, one of the states being active at a time, the user interface moving between active states in response to activation of one or more of activating members.

Levine teaches a graphical user interface (previewer, column 6, lines 25-30) for a stand-alone photoprinter (module 22 (copier-printer unit) connected to module 12, (previewer) fig. 2, column 2 lines 45-60; apparatus for printing, column 1, lines 24-30) the user interface comprising: a video display (13, fig. 3) integrated (previewer, column 6, lines 25-30, integrated to the printing apparatus through connector 63, column 6, line 15-20, fig. 3) within the photoprinter for graphically depicting an image corresponding to the digital photograph; (column 6, lines 25-69) a plurality of activating members (keyboard/mouse, column 6, lines 30-35) for initiating user instructions to the user interface; and a plurality of different states (see the state of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10) in which to depict information on the video display, one of the states being active at a time, the user interface moving between active states in response to activation of one or more of the activating members (column 6, lines 24-42, column 6, lines 57-68).

The image view state is the state when individual images are being viewed or processed, (column 6, lines 25-31, column 6, lines 60-68) and the page view state is the state when combined/composite images (column 7, lines 1-10) are being viewed or processed.

Appellant, on page 13, brief, argues that Levine's stand-alone printer depends upon its external computer to provide the GUI.

In response: Column 6, lines 10-68, and column 7, lines 1-10, Levine, teaches that the photoprinter, that is made up of the processor-preview unit connected to the copier printer unit,

can print digital files (electronic pixel images stored in a memory, column 6, lines 20-25, column 4, lines 15-25) without an external host computer.

Appellant, on page 10, 15, brief, argues that Levine does not teach a method for previewing and processing digital photographs on a stand-alone printer that includes activating an image view in a user interface to display images on a video display integrated within the photoprinter; selecting from amongst the displayed images to form a printed page; and activating a page view in the user interface to preview the printed page on the video display.

In response: Levine teaches a method for previewing (column 6, line 10) and printing (column 7, line 9) digital photographs (column 4, lines 29-40, 45-55) on a stand-alone photoprinter (module 22 (copier-printer unit) connected to module 12, (previewer) fig. 2, column 2 lines 45-60; apparatus for printing, column 1, lines 24-30) comprising the steps of: activating an image view (image view is viewing individual images, column 6, lines 25-31, column 6, lines 60-68) in the user interface (previewer) to display the images on the video display; (column 6, lines 24-40) selecting from amongst the displayed images to form a printed page; (hard copy, column 6, lines 58-69, column 7, lines 1-10) activating a page view (page view is viewing the combined composite image, column 7, lines 1-10) are being viewed or processed in the user interface to preview the printed page (image of the hard copy, column 7, line 9) on the video display.

Appellant, on page 16, brief, argues that Levine does not teach the user interface includes a plurality of different states, including an image view in which an image is depicted

on the display, wherein activating of a print button in the image view instructs the print control to produce a pattern on the printable medium corresponding to an image on the display.

In response: Levine teaches wherein the different states comprise an image view in which an image is depicted on said display, and a page view in which a page is depicted on the display, (see the state of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10), and wherein activation of the print button (the button on the keyboard used to select printing, column 7, lines 1-10) in the image view instructs the print control to produce a pattern on the printable medium corresponding to an image on said video display.

The image view state is the state when individual images are being viewed or processed, (column 6, lines 25-31, column 6, lines 60-68) and the page view state is the state when combined/composite images (column 7, lines 1-10) are being viewed or processed.

Appellant, on page 16, brief, argues that Levine does not teach a button.

In response: Column 7, lines 20-30, and column 7, lines 1-10, Levine, teaches to use a keyboard to retrieve and enter images for displaying and generating a composite image for displaying using the retrieved and entered images. A keyboard is a board having keys to be entered by a user. The key of a keyboard is a button.

Appellant, on page 20, brief, argues that neither Levine nor McCann teaches a graphical user interface for a stand-alone photoprinter that includes a plurality of different states in which to depict information on a video display integrated with the photoprinter.

In response: Levine teaches a graphical user interface (previewer, column 6, lines 25-30) for a stand-alone photoprinter (module 22 (copier-printer unit) connected to module 12, (previewer) fig. 2, column 2 lines 45-60; apparatus for printing, column 1, lines 24-30) the user interface comprising: a video display (13, fig. 3) integrated (previewer, column 6, lines 25-30, integrated to the printing apparatus through connector 63, column 6, line 15-20, fig. 3) within the photoprinter for graphically depicting an image corresponding to the digital photograph; (column 6, lines 25-69) a plurality of activating members (keyboard/mouse, column 6, lines 30-35) for initiating user instructions to the user interface; and a plurality of different states (see the state of image view, column 6, lines 25-30, or page view of combining images to form a page of hard copy, column 6, lines 58-69, column 7, lines 1-10) in which to depict information on the video display, one of the states being active at a time, the user interface moving between active states in response to activation of one or more of the activating members (column 6, lines 24-42, column 6, lines 57-68).

The image view state is the state when individual images are being viewed or processed, (column 6, lines 25-31, column 6, lines 60-68) and the page view state is the state when combined/composite images (column 7, lines 1-10) are being viewed or processed.

Appellant, on page 20, brief, argues that there is no motivation to combine McCann and Levine.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or

modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine McCann et al and Levine is both found in the references themselves and in the knowledge generally available to one of ordinary skill in the art.

Levine does not teach wherein the different states further comprise a device view in which a graphical representation of said photoprinter and any attached devices is depicted on the video display.

McCann et al., in the same area of displaying images, teaches a display would be used in a state of viewing devices in which a graphical representation (fig. 50) of a printer (722, fig. 50) and any attached devices (718, fig. 50) are depicted on the video display. (Fig. 50)

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Levine to include in the different state of display: a device view in which a graphical representation of said photoprinter and any attached devices is depicted on the video display.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Levine by the teaching of McCann et al. because of the following reasons: (a) it would have provided a tool for selecting appropriate solution of

equipment and product for a user while using the printer system, as taught by McCann et al, at column 3, lines 1-5 (b) it would have allowed a user to quickly identify what devices are available for the user to use in the system, and (c)it would have allowed users to have an overview of the system and would have provided useful system information to assist a user in selecting system options available to the user.

Appellant, on page 23, brief, argues that Matsumoto does not teach simultaneously showing an image view and a page view on the video display.

In response: Matsumoto et al. teach to display image view (2501, fig. 25) and the page view (page 1, fig. 25) simultaneously on a video display. (Fig. 25, column 12, lines 50-54)

The page view of page 1, fig. 25, Matsumoto, showing an image view of a smiling face, an image view of a plane, and an image view of a device.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

King Y. Poon

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